

Pharmacy Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Short title.

Constitution and Incorporation of the Pharmaceutical Society of Ireland.

2. Pharmaceutical Society of Ireland constituted and incorporated.
3. Members of Pharmaceutical Society of Ireland.
4. Persons who may be elected members of Pharmaceutical Society and of the council.
5. Term of office of president and vice-president.
6. Rotation.
7. Manner of making the rotation list.
8. Retiring members eligible to be re-elected.
9. Occasional vacancies.
10. Elections.
11. Proceedings at meetings of council.
12. First meeting. Regulations for execution of Act.

General Provisions.

13. Following provisions not to take effect until approval of regulations.
14. Appointment of registrar and treasurer.
15. Examination.
16. Persons entitled to be registered under this Act.
17. Fees for examination, license, and registration.
18. Persons registered as pharmaceutical chemists in Ireland entitled to be registered as such in England.
19. Register of pharmaceutical chemists.
20. Duty of registrar to make and keep register.
21. Evidence of qualification to be given before registration.

[Bill 175.]

Classes.

22. Annual register to be published, and to be evidence.
23. Penalty on wilful falsification of register, or for obtaining registration by false representation.
24. Notice of death of pharmaceutical chemist to be given by registrars of deaths.
25. Persons selling or compounding poisons or assuming the title of pharmaceutical chemist to be qualified.
26. Reserving rights of certain persons.
27. Provision for continuation of business in case of death.
28. Registration not to entitle to practice of medicine, &c.
29. Power to Lord Lieutenant and Privy Council to erase names of persons from register.
30. Recovery and application of penalties.
31. Repeal of part of 31 Geo. 3. (Ir.) c. 34. s. 23.

SCHEDULE.

A
B I L L

TO

Institute a Pharmaceutical Society, and to regulate the Qualifications of Pharmaceutical Chemists in Ireland, and to establish certain relations between the Pharmaceutical Societies of Great Britain and Ireland. A.D. 1875.

WHEREAS by an Act passed by the Parliament of Ireland in the thirty-first year of the reign of His Majesty George the third, intituled "An Act for the more effectually preserving the health of His Majesty's subjects, for erecting an Apothecaries Hall in the city of Dublin, and regulating the profession of an Apothecary throughout the kingdom of Ireland," (in this Act referred to as "the Act of 1791,") it is enacted that no person shall open shop or practise the art and mystery of an apothecary within the kingdom of Ireland until he shall have been examined as to his qualification and knowledge of the business by the persons and in the manner by the said Act prescribed, and shall have received a certificate to open shop or follow the art and mystery of an apothecary within the kingdom of Ireland from the Governor and Directors of the Apothecaries Hall of the city of Dublin :

And whereas a great deficiency exists throughout Ireland of establishments and shops for the sale of medicines and compounding of prescriptions, and great inconvenience thereby arises to the public in many parts of the country :

And whereas to remedy such inconvenience it is expedient to amend the Act of 1791, and to enable persons who, although they do not desire to practise the art and mystery of an apothecary, desire and are qualified to open shop for the retailing, dispensing, and compounding of poisons and medical prescriptions, to keep open shop for the purposes aforesaid :

And whereas for the purposes aforesaid it is expedient that provisions such as are in this Act contained should be made for the formation of a Pharmaceutical Society in Ireland, and for the examination of persons desiring to keep open shop for the purposes aforesaid, and for the registration of such of the said persons as may be found, on examination, to possess a competent practical knowledge of pharmaceutical and general chemistry and other

[Bill 175.]

A

A.D. 1875. branches of useful knowledge, as fit persons to keep open shop for the dispensing and compounding of prescriptions of duly qualified medical practitioners :

And whereas it is expedient that persons registered as pharmaceutical chemists in Great Britain should be entitled to be registered 5 as pharmaceutical chemists in Ireland, and that persons registered as pharmaceutical chemists in Ireland should be entitled to be registered as pharmaceutical chemists in Great Britain, and that with respect thereto provisions such as are in this Act contained should be made :

Be it therefore enacted by the Queen's most Excellent Majesty, hy and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Short title. 1. This Act may be cited as "The Pharmacy Act (Ireland), 15 1875."

Constitution and Incorporation of the Pharmaceutical Society of Ireland.

Pharmaceutical Society of Ireland constituted and incorporated.

2. A society to be called "the Pharmaceutical Society of Ireland" shall be constituted as herein-after mentioned, and such society 20 shall by such name be a body corporate, and have perpetual succession and a common seal, and sue and be sued, and have power and authority to take, purchase, and hold land for the purposes of this Act.

Members of Pharmaceutical Society of Ireland.

3. The following persons, that is to say, A. B., C. D., E. F., and 25 all other persons who shall be qualified and elected in the manner prescribed by this Act shall be members of the Pharmaceutical Society of Ireland, and the said persons in this section specifically named as such members as aforesaid shall constitute and be the first council of the Pharmaceutical Society of Ireland. 30

There shall be a president and vice-president of the said Society, and the said A.B. shall be the first president and the said C.D. the first vice-president of the said council.

Persons who may be elected members of Pharmaceutical Society and of the council.

4. Every person who shall be registered under this Act as a pharmaceutical chemist shall be qualified to be elected as a member 35 of the said Pharmaceutical Society; and every person so registered and elected a member of the said Pharmaceutical Society shall be qualified to be elected, and when elected to act as a member of the council of the said Pharmaceutical Society.

Term of office of president

5. The persons by this Act named as president and vice- 40 president of the said council, and their successors in such offices

respectively, shall hold the office of president and vice-president respectively during such time as they shall continue to be members of the said council, and in case of any vacancy in the office of president or vice-president of the said council caused by such president or vice-president ceasing to be a member of the said council, or by the resignation or incapacity of any such president or vice-president, such vacancy shall be filled by the election of some member of the said council to fill such vacancy.

A.D. 1876.

and vice-president.

6. The members of the said council shall go out of office by rotation in the following manner; viz., on the first Monday of October in the year *one thousand eight hundred and seventy-six* one third of the members of such council shall go out of office, and on the first Monday of October in the following year another third of the members of such council shall go out of office, and on the first Monday of October in the following year the remainder of the members of such council shall go out of office; and on the first Monday of October in every subsequent year one third of the members of such council (being those who have been longest in office) shall go out of office; and in each instance the places of the retiring members of such council shall be supplied by the election by the members of the said Pharmaceutical Society on the first Monday of October in each year of a like number of their body to act as members of the said council in the place of the retiring members.

7. In order to determine the rotation by which the first members of the said council shall go out of office, the said council shall at their first meeting under this Act form a rotation list, and at such meeting the chairman shall write the names of all the members on separate slips of paper, all as nearly as may be of equal size, and having folded them up in the same manner, he shall put them into a ballot box, and shall in the presence of the meeting draw out such slips of paper in succession, and the names upon the slips so drawn shall be written by the chairman in a list in the order in which they are drawn, and every such list shall be kept among the papers of the said council, and the names therein shall be numbered consecutively, and the members of the said council shall retire from office in the order in which their names appear on such list, in the proportions in this Act mentioned.

Manner of making the rotation list.

8. Every member of the said council going out of office by rotation may be re-elected, and after such re-election he shall with reference to going out by rotation be considered as a new member.

Retiring members eligible to be re-elected.

A.D. 1875.
Occasional
vacancies.

9. If any extraordinary vacancy shall be occasioned in the said council the said council shall, on a day to be fixed by the chairman of the said council (such day not to be later than ten days after such vacancy) elect another person to supply such vacancy, and every person so elected shall continue a member of the said council 5 until the time at which the person in the room of whom he was chosen would regularly have gone out of office, and he shall then go out of office, but shall be capable of immediate re-election.

Elections.

10. Elections of members of the said council, and of president and vice-president thereof, under this Act, shall be held and the 10 voting and other proceedings in the case of a contest shall be conducted in the manner prescribed by regulations made in pursuance of this Act.

Proceedings
at meetings
of council.

11. At a meeting of the said council the president, or in his absence the vice-president, shall act as chairman, and in case the 15 president and vice-president shall both be absent, one of the members present shall be elected chairman by the majority present.

At all meetings of the said council the questions there considered shall be decided by a majority. In case of an equal division, the 20 chairman shall, in addition to his own vote, have a casting vote.

No business shall be transacted at any meeting of the said council unless members of the council be present, and all the powers under this Act vested in the council may be exercised by any 25 or more of the council present at any meeting of the council.

First
meeting.

12. The council of the said Pharmaceutical Society shall hold their first meeting within six months after the passing of this Act at such place in the city of Dublin, at such hour, and on such day as the Chief Secretary to the Lord Lieutenant of Ireland may respectively order and appoint, and they may adjourn such meeting from 30 time to time as shall seem fit, and at such first meeting, or some adjournment of the same, they shall make regulations with respect to the matters following :

Regulations
for execu-
tion of Act.

- (1.) The meetings and other proceedings of the said council ;
- (2.) The times at which and the subjects and modes in which 35 examinations under this Act are to be held and conducted ;
- (3.) The times at which and the mode in which elections of members of the said Pharmaceutical Society are to be held and conducted ;
- (4.) The mode in which elections of members of the council, and 40 of president and vice-president thereof, are to be held and conducted ;

A.D. 1874.

(5.) The fees to be charged for examination, license, and registration under this Act, and the entrance fees and annual subscriptions to be paid by members of the said Pharmaceutical Society, and the application of the same, and of

(6.) The duties of the registrar, treasurer, clerks, and other subordinate officers, and the manner in which the same shall be discharged, and the salaries to be paid to such officers respectively; and

(7.) Generally for all such other matters as may be necessary for the due execution of this Act.

The said council may from time to time, at any meeting of the council held at any time after the expiration of six months after such first meeting, revoke or alter any such regulation, and make new regulations instead thereof or in addition thereto.

Every such regulation shall be subject to the approval of the Lord Lieutenant and Privy Council in Ireland, and shall be of no force or effect until the same shall be so approved, and notice of such approval shall be published in the Dublin Gazette.

All regulations made under the authority of this Act and approved as aforesaid shall be laid before both Houses of Parliament within twenty-one days after the same shall be made, if Parliament be sitting at such time, or if Parliament be not sitting, within twenty-one days after the commencement of the next session of Parliament after the making thereof.

All such regulations when so approved shall be of the like force and effect as if they had been enacted in this Act.

General Provisions.

13. The following provisions of this Act shall not take effect until after the publication in the Dublin Gazette of the notice of the approval of the regulations made at the first meeting of the said council.

Following provisions not to take effect until approval of regulations.

14. The said council may from time to time appoint a fit and proper person as a registrar under this Act, and shall have power to remove any such registrar from the said office, and may also appoint and remove from time to time a treasurer, and such clerks and other subordinate officers as may be requisite for carrying out the purposes of this Act, and also to pay suitable salaries to the said registrar, treasurer, clerks, and officers.

Appointment of registrar and treasurer.

15. For the purpose of ascertaining the qualification of persons, not being persons registered as pharmaceutical chemists on the [175.]

Examination. 15 & 16 Vict. c. 61, s. 8.

A.D. 1875.

register of pharmaceutical chemists for Great Britain, who may be desirous of keeping open shop for the retailing, dispensing, or compounding poisons or medical prescriptions and being registered as pharmaceutical chemists under this Act, the said council shall cause examinations to be held at such times and in such manner 5 as may be prescribed by regulations made in pursuance of this Act, and the said council shall appoint examiners to conduct the same: Provided always, that no person shall conduct any examination for the purposes of this Act until his appointment has been approved by the Lord Lieutenant and Privy Council in Ireland, and 10 such appointment shall not in any case be in force for more than five years.

All persons desiring to be registered as pharmaceutical chemists under this Act may at any such examination present themselves for examination, and they shall be examined with respect 15 to their knowledge of the Latin and English languages, of arithmetic, of botany, of materia medica, of pharmaceutical and general chemistry, of practical pharmacy, of the British Pharmacopœia, and of such other subjects as may from time to time be prescribed by any regulations made in pursuance 20 of this Act; but such examination shall not include the theory and practice of medicine, surgery, or midwifery, or any branch of medicine or surgery; and the examiners appointed by the council are hereby empowered to grant or refuse to such persons, as in their discretion may seem fit, certificates of competent 25 knowledge and qualification and skill to be registered as pharmaceutical chemists under this Act: Provided always, that in case of rejection a rejected candidate shall not present himself for re-examination until after six months after such rejection.

Persons
entitled to
be registered
under this
Act.
31 & 38 Vict.
c. 121, ss. 3
and 4.

16. Every person who shall be duly examined in the subjects 30 prescribed by this Act, and who shall be certified by the examiners to be qualified to act as a pharmaceutical chemist, and every person registered as a pharmaceutical chemist in the Register of Pharmaceutical Chemists for Great Britain, upon giving to the registrar such reasonable proof thereof as may be required under 35 any regulations made by the council of the Pharmaceutical Society for Ireland in that behalf, shall, upon payment of the proper fees and charges, be entitled to be registered under this Act as a pharmaceutical chemist.

Fees for
examinations,
license, and
registration.

17. For every examination, license, and registration such reason- 40 able fees or charges shall be paid as shall from time to time be fixed and determined by any regulation or regulations to be made

by the said council in pursuance of this Act; provided always, that such fees or charges shall at all times be equal, as nearly as may be, to the fees fixed and determined for like purposes by any byelaw or byelaws made by the Pharmaceutical Society of Great Britain, and such fees shall be paid to the treasurer, and shall by him be applied to the purposes of this Act in manner prescribed by such regulations.

A.D. 1873.

18. Every person registered as a pharmaceutical chemist on the register of Pharmaceutical Chemists for Ireland shall, upon giving to the Registrar of the Pharmaceutical Society of Great Britain such reasonable proof thereof as may be required under any regulations or orders made by the council of the Society in that behalf, and upon payment of the proper fees and charges, be entitled to be registered as a pharmaceutical chemist under the Act passed in the session of Parliament held in the fifteenth and sixteenth years of the reign of Her present Majesty, intituled "An Act for regulating the Qualifications of Pharmaceutical Chemists," and any Act amending the same, without being required to pass any further or other examination, and on such registration shall be entitled to all the rights and privileges and be subject to all the liabilities of pharmaceutical chemists under the said Acts.

Persons registered as pharmaceutical chemists in Ireland entitled to be registered as such in England.

19. The registrar to be appointed under or by virtue of this Act shall from time to time make out and maintain a complete list (to be called the "Register of Pharmaceutical Chemists for Ireland") of all persons registered as pharmaceutical chemists under this Act, and in such register the names shall be in alphabetical order according to the surnames, with the respective residences, in the form set forth in the schedule to this Act annexed, or to the like effect, and shall keep a proper index of such register, and all such other lists and books as may be required by the said council and as may be necessary for giving effect to the regulations of the said council and to the provisions of this Act.

Register of pharmaceutical chemists. 31 & 32 Vict. c. 121. s. 6.

20. It shall be the duty of the registrar to keep the said register corrected, and to erase the names of all registered persons as and when they shall die, and from time to time to make the necessary alterations in the addresses of the persons registered under this Act; and to enable the registrar duly to fulfil such duties, it shall be lawful for him to write a letter to any registered person, addressed to such person according to his address on the register, to inquire whether he has ceased to carry on business or has changed his residence, such letter to be forwarded by post as a registered letter,

Duty of registrar to make and keep register. 31 & 32 Vict. c. 121. s. 10.

[175.]

A 4

A.D. 1875. according to the post office regulations for the time being, and if no answer shall be returned to such letter within the period of six months from the sending of the letter, a second of similar purport shall be sent in like manner, and if no answer be given thereto within three months from date thereof it shall be lawful to erase the name of such person from the register; provided always, that the same may be restored by direction of the said council, should they think fit to make an order to that effect. 5

Evidence of qualification to be given before registration.
31 & 32 Vict.
c. 121, s. 12.

21. No name shall be entered in the said register, except of persons authorised by this Act to be registered, nor unless the registrar be satisfied by the proper evidence that the person claiming is entitled to be registered; and any appeal from the decision of the registrar may be decided by the said council; and any entry which shall be proved to the satisfaction of the said council to have been fraudulently or incorrectly made may be erased from or amended in the register under an order in writing of the said council. 15

Annual register to be published, and to be evidence.
31 & 32 Vict.
c. 121, s. 13.

22. The registrar shall, in the month of *January* in every year, cause to be printed, published, and sold correct copies of the register of pharmaceutical chemists in alphabetical order according to the surnames; and a printed copy of such register for the time being in force, purporting to be so printed and published as aforesaid, or any extract therefrom, or from the original register, certified under the hand of the said registrar, and countersigned by the president or two members of the said council, shall be evidence in all courts and in all proceedings that the persons therein specified are registered according to the provisions of this Act, and the absence of the name of any person from such copy of the register shall be evidence, until the contrary shall be made to appear, that such person is not registered according to the provisions of this Act. 20

Punish an wilful falsification of register, or for obtaining registration by false representation.
31 & 32 Vict.
c. 121, s. 14.

23. Any registrar who shall wilfully make or cause to be made any falsification in any matter relating to the said register, and any person who shall wilfully procure or attempt to procure himself to be registered under this Act, by making or producing; or causing to be made or produced, any false or fraudulent representation or declaration, either verbally or in writing, and any person aiding or assisting him therein, shall be deemed guilty of a misdemeanour, punishable by fine or imprisonment, and shall on conviction thereof be sentenced to be imprisoned for any term not exceeding *twelve months*. 25

24. Every registrar of deaths in Ireland, on receiving notice of the death of any person registered under this Act as a pharmaceutical chemist, shall forthwith transmit by post to the registrar under this Act a certificate, under his own hand, of such death, with the particulars of the time and place of death, and on receipt of such certificate the said registrar under this Act shall erase the name of such deceased pharmaceutical chemist from the register, and shall transmit to the said registrar of deaths the cost of such certificate and transmission, and may charge the cost thereof as an expense of his office.

25. From and after the it shall be unlawful for any person to sell or keep open shop for retailing, dispensing, or compounding poisons within the meaning of the Act of the session of the thirty-third and thirty-fourth years of the reign of Her present Majesty, chapter twenty-six, or medical prescriptions, or to assume or use the title of Pharmaceutical Chemist, or Pharmaceutist, or Pharmacist, or Dispensing Chemist, in any part of Ireland, unless such person shall be registered as a pharmaceutical chemist under this Act; and any person acting in contravention of this enactment, or compounding any medicines of the British Pharmacopœia, except according to the formularies of the said Pharmacopœia, shall for every such offence be liable to pay a penalty of five pounds; but nothing in this section contained shall prevent any person from being liable to any other penalty, damage, or punishment to which he would have been subject if this Act had not passed: Provided always, that nothing in this Act contained shall affect any Licentiate of the Apothecaries Hall of the city of Dublin, or any person who shall have been registered as a legally qualified medical practitioner before the passing of this Act, or who shall be registered as a legally qualified practitioner after the passing of this Act, and who, in order to obtain his diploma, shall have passed an examination in pharmacy.

26. Nothing in this Act contained shall extend to or interfere with the making or dealing in patent medicines, or with the business of wholesale dealers in supplying poisons in the ordinary course of wholesale dealing, or of chemists or druggists who are practising as such in Ireland upon their own account at the time of the passing of this Act, save and except the provisions against the compounding of medical prescriptions, and against the preparing of any medicines of the British Pharmacopœia except according to the formularies of the said Pharmacopœia; and nothing in this Act contained shall prevent any person who is a member of

[175.]

B

A.D. 1876.

Notice of death of pharmaceutical chemist, to be given by registrar of deaths.

31 & 32 Vict. c. 121. s. 11.

Persons selling or compounding poisons or assuming the title of pharmaceutical chemist to be qualified.

31 & 32 Vict. c. 121. s. 1. 32 & 33 Vict. c. 117. s. 1.

Reserving rights of certain persons.

31 & 32 Vict. c. 121. s. 16. 32 & 33 Vict. c. 117. s. 1.

A.D. 1875. the Royal College of Veterinary Surgeons of Great Britain, or holds a certificate in veterinary surgery from the Highland and Agricultural Society of Scotland from dispensing medicines for animals under his care.

Provision
for continu-
ation of busi-
ness in case
of death.

27. Upon the decease of any person registered under this Act 5 as a pharmaceutical chemist, actually in business at the time of his death, it shall be lawful for any executor, administrator, or trustee of the estate of such pharmaceutical chemist to continue such business, if and so long only as such business shall be bona fide conducted by a duly qualified assistant being a pharmaceutical chemist 10 registered as such under this Act.

Registration
not to entitle
to practice of
medicine, &c.
31 & 32 Vict.
c. 121. s. 16.

28. Registration under this Act shall not entitle any person so registered to practise medicine or surgery, or any branch of medicine or surgery.

Power to
Lord Lieuten-
ant and
Privy Council
to erase
names of
persons from
register.
31 & 32 Vict.
c. 121. s. 20.

29. The Lord Lieutenant and Privy Council may direct the 15 name of any person who is convicted of any offence against this Act which in their opinion renders him unfit to be on any register under this Act to be erased from such register, and it shall be the duty of the registrar to erase the same accordingly.

Recovery
and appli-
cation of
penalties.

30. Every penalty recoverable under the provisions of this Act 20 shall be recoverable in a summary way, with respect to the police district of Dublin metropolis subject and according to the provisions of any Act regulating the powers and duties of justices of the peace for such district or of the police of such district, and with respect to other parts of Ireland, before a justice or justices 25 of the peace sitting in petty sessions, subject and according to the provisions of The Petty Sessions (Ireland) Act, 1851, and any Act amending the same.

One third of every sum of money recovered as a penalty under this Act shall be paid to the person who shall be the means of 30 bringing to justice any person committing any offence against any of the provisions of this Act, and the remainder of such sum shall be paid to the treasurer, and shall by him be applied to the purposes of this Act in the manner prescribed by any regulation made in pursuance of this Act.

Repeal of
part of
31 Geo. 3.
(Ir.) c. 34.
s. 22.

31. From and after the passing of this Act so much of the Act of 1791 as is inconsistent with the provisions of this Act shall be and the same is hereby repealed. 35

SCHEDULE.

A.D. 1875.

Name.	Residence.	Date of Registration.
<i>A.B.</i>	Grafton Street, Dublin -	January 10th, 187 .
<i>C.D.</i>	Patrick Street, Cork -	March 4th, 187 .
5 <i>E.F.</i>	Corn Market, Belfast -	June 15th, 187 .

B I L L

To institute a Pharmaceutical Society,
and to regulate the Qualifications of
Pharmaceutical Chemists in Ireland,
and to establish certain relations be-
tween the Pharmaceutical Societies of
Great Britain and Ireland.

*(Prepared and brought in by
Sir Michael Hicks Beach and J. H. Stowe,
General for Ireland.)*

*Ordered, by The House of Commons, to be Printed,
18 May 1874.*

[Bills 175.]
Under 2 oz.